IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 4572 of 2007(T)

PETITIONER:

K.K.JINNAS, AGED 49,
SON OF LATE MR.KOCHUNNI, PRESIDENT,
ERNAKULAM CO-OPERATIVE AGRICULTURAL & RURAL
DEVELOPMENT BANK LTD., ALUVA, RESIDING AT
JILLSILA COTTAGE, ULIYANNOR (PO), ALUVA,
ERNAKULAM DISTRICT.

BY ADV.
SRI.SHAJI CHIRAYATH

RESPONDENTS:

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1. REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE REGISTRAR (GENERAL) OF
CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

2. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), OFFICE OF THE
JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
CHITTOOR ROAD, ERNAKULAM DISTRICT.

3. ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), OFFICE OF THE ASSISTANT
REGISTRAR OF CO-OPERATIVE SOCIETIES GOOD
SHED ROAD, ALUVA, ERNAKULAM DISTRICT.

4. DEPUTY REGISTRAR (VIGILANCE)
BANK LIMITED, 252, OFFICE OF THE JOINT
REGISTRAR OF CO-OPERATIVE SOCIETIES,
CHITTOOR ROAD, ERNAKULAM DISTRICT.

5. INSPECTOR OF CO-OPERATIVE SOCIETIES
(GENERAL), OFFICE OF THE ASSISTANT REGISTRAR
OF CO-OPERATIVE SOCIETIES GOOD SHED ROAD,
ALUVA, ERNAKULAM DISTRICT.

ADDL.R.6.V.A.HAMSA, S/O.ABDUL RAHIMAN, AGED 51, RESIDING AT
VARAPARAMBIL (H),PARAVOOR.
IMPLEADED AS PER ORDER DT. 14/2/2007 IN IA.2358/2007.

ADDL.R7. THE ADMINISTRATOR, M/S.ERNAKULAM CO-OPERATIVE AGRICULTURAL
& RURAL DEVELOPMENT BANK LTD., ALUVA.
IMPLEASED AS PER ORDER DT. 22/2/2007 IN IA.2796/07.

ADDL.R8. JOSEPH JUDIA, S/O.DEVASSY.M.O.AGED 35, RESIDING AT MABAYIL
HOUSE, ELLOKARA, MUPPATHADAM, ALUVA.
IMPLEADED AS ADDL.R.8 AS PER ORDER DT. 22/6/2007 IN IA.8233/07.

BY ADV. SRI.V.SUMESH
GOVERNMENT PLEADER SMT.A.G.ANEETHA.
SRI.P.N.MOHANAN
SRI.SAIGI JACOB PALATTY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX (WP.4572/2007)

EXT.P1: COPY OF SHOW CAUSE NOTICE DT. 29/12/2006.

EXT.P2: COPY OF ORDER DT.24/11/2005 OF R2.

EXT.P3: COPY OF ENQUIRY REPORT DT. 10/4/2005.

EXT.P4: DO. OF R3 DT. 1/12/2006.

EXT.P5: DO. OF R4 DT. 20/12/2006.

EXT.P6: COPY OF CERTIFICATE DT. 22/1/2007.

EXT.P7: COPY OF OBJECTION DT. 20/1/2007.

EXT.P8: TRUE COPY OF PROOF AFFIDAVIT DT. 31/1/12007.

EXT.P9: TRUE COPY FO APPLICATION DT. 31/1/2007.

EXT.P10: TRUE COPY OF APPLICATION DT. 31/1/2007.

EXT.P11: TRUE COPY OF ORDER DT. 31/1/2007.

EXT.P12: TRUE COPY FO ORDER DT. 24/3/2001.

EXT.P13: TRUE COPY FO ORDER DT. 27/12/1986.

EXT.P14: TRUE COPY FO ORDER DT. 29/10/1994.

EXT.P15" TRUE COPY OF CERTIFICATE DT. 20/1/2007.

EXT.P16: TRUE COPY OF COMPLAINT DT. 28/7/2004.

EXT.P17" TRUE COPY FO AUDIT CERTIFICATE DT. 30/9/2005.

EXT.P18: TRUE COPY FO AUDIT CERTIFICATE DT. 27/1/2007.

EXT.P19: TRUE COPY OF ORDER DT. 16/6/2003.

EXT.P20: TRUE COPY OF OCCUPANCY CERTIFICATE DT. 14/7/2003.

EXT.P21: TRUE COPY OF VALUATION CERTIFICATE DT. 8/5/2006.

EXT.P22: TRUE COPY OF ORDR DT. 27/4/2005.

EXT.P23: TRUE COPY OF ORDER DT. 27/4/2005.

A.K. Basheer, J.

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W.P(C) No. 4572 of 2007

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Dated this the 14th day of August, 2007.

J U D G M E N T

Having heard learned counsel for the petitioner, learned Special Government Pleader for Co-operation who appears for respondents 1 to 5 and learned counsel for respondent No.6, I am satisfied that the petitioner has to be relegated to the appellate authority, if he is aggrieved by Ext.P11 order passed by respondent No.2 under Section 32 of the Kerala Co-operative Societies Act 1969. In my view, the contentions raised by the petitioner including the one touching upon the legality and validity of the enquiry that is stated to have been conducted under Section 65 of the Act and all other related issues can be considered by the appellate authority. It is made clear that I have not considered the merit of any of the contentions raised by the petitioner.

2. If the petitioner prefers an appeal within one week from today, the same shall be entertained by the appellate authority, ignoring the delay. The appellate authority shall take a decision in the matter within one month from the date of receipt of the appeal, after affording sufficient opportunity to the petitioner or his authorised representative, to be heard. It will be open to the petitioner to produce all relevant materials in support of his contention before the appellate authority.

2. Status quo as on today shall be maintained till a final decision is taken in the matter.

Writ Petition is disposed of in the above terms.

A.K. Basheer, Judge.

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